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Attorneys for Defendant
UNITED STUDENT AID FUNDS, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SHYRIAA HENDERSON,
Plaintiff,

v.

UNITED STUDENT AID FUNDS,
INC.,
Defendant.

Case No. 3:13-cv-01845-JLS-BLM

**DEFENDANT UNITED
STUDENT AID FUNDS, INC.'S
UNOPPOSED MOTION TO FILE
DOCUMENTS UNDER SEAL**

I. INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 26(c), Local Rule 79.2, and the Electronic Case Filing Administrative Policies and Procedures Manual Section II.j, defendant United Student Aid Funds, Inc. (“USAF”) hereby applies to this Court to file under seal its Reply in Support of Motion for Summary Judgment (“Reply”), and Response to Plaintiff’s Additional Statement of Material Facts (“Response to Statement of Facts”). Both of these documents directly quote, summarize, and cite documents designated as confidential and filed under seal by USAF in its moving papers and Plaintiff in her response. USAF’s counsel has conferred with Henderson’s counsel, who confirmed that Henderson does not oppose this motion.

II. ARGUMENT

Although there is a general presumption in favor of public access, it is not absolute. See Kamakana v. City & County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006). In determining whether documents supporting a dispositive motion may be filed under seal, the Court applies a “compelling reasons” standard. Id. at 1178. In doing so, the Court considers whether “the public interest in understanding the judicial process and whether disclosure of the material could result in improper use of the material for scandalous or libelous purposes or infringement upon trade secrets.” Foltz v. State Farm Mut. Auto Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003).

In this case, compelling reasons exist to seal the documents referenced herein because they quote, summarize, and cite two confidential business agreements: the Fifth Restated and Amended Guarantee Services Agreement for United Student Aid Funds, Inc. and the Agreement for the Collection of Defaulted Private Loan Accounts. These documents contain confidential and proprietary business information about USAF’s relationship with Navient Services, Inc. and the third-party collection vendors whose calls are at issue in this case. These documents have been designated as confidential in accordance with the Protective Order, and

1 they have previously been filed under seal in connection with USAF's motion for
2 summary judgment and Plaintiff's response. Accordingly, quotations, summaries,
3 and citations contained in the Reply and the Response to Statement of Facts should
4 be redacted from the public record, with the unredacted copies filed under seal.

5 **III. CONCLUSION**

6 For the reasons discussed above, USAF respectfully requests that the Court
7 grant the Motion to Seal and grant USAF leave to file its Reply and Response to
8 Statement of Facts under seal.

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10 Dated: December 23, 2016

VEDDER PRICE (CA), LLP

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12 By: /s/ Lisa M. Simonetti
Lisa M. Simonetti

13 Attorneys for Defendant
14 UNITED STUDENT AID FUNDS,
15 INC.
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CERTIFICATION

I hereby certify that on December 23, 2016, a copy of the foregoing **DEFENDANT UNITED STUDENT AID FUNDS, INC.'S UNOPPOSED MOTION TO FILE DOCUMENTS UNDER SEAL** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

/s/ Lisa M. Simonetti
Lisa M. Simonetti